

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFFICE CREATE CORPORATION,
Petitioner,

– *against* –

PLANET ENTERTAINMENT, LLC, and
STEVE GROSSMAN,
Respondents.

ORDER

22-cv-8848 (ER)

RAMOS, D.J.:

On September 11, 2023, the Court granted Office Create’s petition to confirm an arbitration award. Doc. 49. Judgment was entered the same day, but the judgment did not include a specific amount. Doc. 50. On January 29, 2024, the Court directed the Clerk of Court to enter an amended judgment including the specific amount to which Office Create is entitled pursuant to the terms of the arbitration award. Doc. 72. The amended judgment was entered on January 30, 2024. Doc. 73.

Office Create now asks the Court to waive the automatic stay to enforce the amended judgment under Federal Rule of Civil Procedure 62(a). Doc. 75. “Typically, a prevailing party must wait thirty days before collecting a judgment.” *Huzhou Chuangtai Rongyuan Inv. Mgmt. P’ship v. Qin*, No. 21 Civ. 9221 (KPF), 2022 WL 16908278, at *1 (S.D.N.Y. Oct. 28, 2022) (citing Fed. R. Civ. P. 62(a)). The purpose of this temporary stay is to “afford[] the non-prevailing party an opportunity to obtain a bond or other security in anticipation of taking an appeal.” *Id.* But in a case where the second judgment “does not differ from the first judgment in matters affecting the substantive rights of the parties, the time to appeal runs from the first judgment.” *Cody, Inc. v. Town of Woodbury*, 179 F.3d 52, 55 (2d Cir. 1999) (per curiam). Here, the amended judgment was entered only to confirm the amount of the award to which Office

Create is entitled. *See also, e.g., Mondis Tech. Ltd. v. Wistron Corp.*, No. 15 Civ. 02340 (RA), 2016 WL 7377278, at *1 (S.D.N.Y. Dec. 7, 2016) (granting motion to correct judgment pursuant to Rule 60(a) to specify amount of arbitral award).

Accordingly, Office Create's request to dissolve the Rule 62(a) stay is GRANTED.

SO ORDERED.

Dated: February 1, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

Edgardo Ramos, U.S.D.J.